

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB219)

Received: **04/15/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **John Ainsworth (608) 266-3097**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Ainsworth@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Lightweight utility vehicles

Instructions:

Add definition in 340.01; parallel ATVs in ch. 347; for now, do not make DNR changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	phurley 07/12/2005	csicilia 07/12/2005	rschluet 07/05/2005	_____	sbasford 07/05/2005	sbasford 07/05/2005	
/2			pgreensl 07/12/2005	_____	lnorthro 07/12/2005	lnorthro 07/12/2005	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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P8* *7/12
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05


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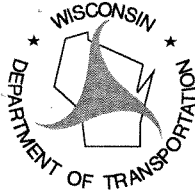
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/P1	phurley						
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Handwritten notes:
P1 js 4/15
65
4/15
<END>

FE Sent For:



Wisconsin Department of Transportation
Office of General Counsel (608) 266-8810 [Phone] (608)
267-6734 [FAX]

James S. Thiel Joe Maassen Barbara
Bird Allyn Lepeska Mike Kernats Fred
Wisner John Sobotik Paul E. Nilsen

MEMORANDUM

To: Kristina Boardman, Representative Ainsworth's office
From: Paul Nilsen
Re: 2005 AB 219
Date: March 30, 2005

I reviewed AB 219, which creates a definition of 'lightweight utility vehicle' and treats them similar to all-terrain vehicles. The bill would allow incidental operation of 'lightweight utility vehicles' upon roadways. I was asked to share with you some concerns the Department has about the bill:

- The proposed definition of 'lightweight utility vehicle' ("LUV") could encompass other types of vehicles, including golf carts and low-speed vehicles, neither of which are defined by statute, and should be modified to exclude other vehicle types. This is important if legislation is one day enacted to authorize the operation of low-speed vehicles, a relatively new federal class of on-highway vehicles. 2001 Senate Bill 29 includes definitions of 'golf cart' and 'low-speed vehicle'. The draft should also create a definition of 'lightweight utility vehicle' at s. 340.01.
- 2003 Act 192 created a definition of 'off-road utility vehicle', which vehicles are similar to the proposed 'lightweight utility vehicles'. (That definition could be used as a model for addressing concerns raised in point 1 above.) AB 219 should be harmonized with that definition (to avoid confusion and unnecessary terms) and with s. 346.94(19), which authorizes on-highway operation of off-road utility vehicles for road maintenance, landscaping, garbage collection, etc. For example, off-road utility vehicles could be renamed lightweight utility vehicles ("LUV"), and LUV's could be authorized to operate on highway for the limited purposes specified under s. 346.94.
- Section 347.02 should be amended to clarify which 'vehicle' equipment requirements apply to LUVs. The bill specifies that LUVs are not 'motor vehicles', but they remain 'vehicles' as defined in 340.01, and any equipment generally required of vehicles will apply to LUVs.

drafted P1

*Insert add
of
ATVs*

7/2

*4 ATVs
are in
347, also
include LUVs*

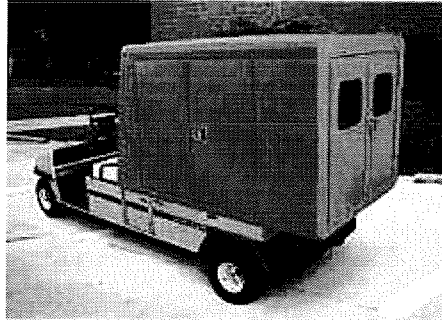
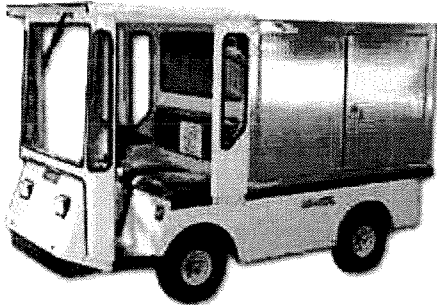
*we could exclude
LUVs as "vehicles"
like snowmobiles,
personal mobility
ATVs are vehicles,
personally subject
to 347.*

*if excluded, requester may
want to require some equip-
if requester wants to.*

*edit in 340.01
347.02*

- The draft does not require accident reporting (s. 346.66), or coroner reporting (s. 346.71). There may be other 'rules of the road' that should apply under draft, section 11.

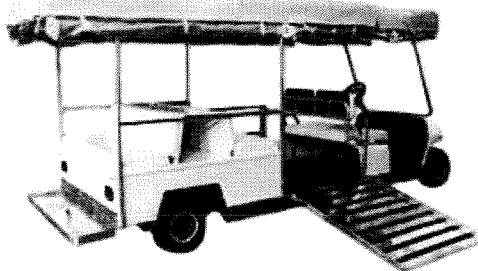
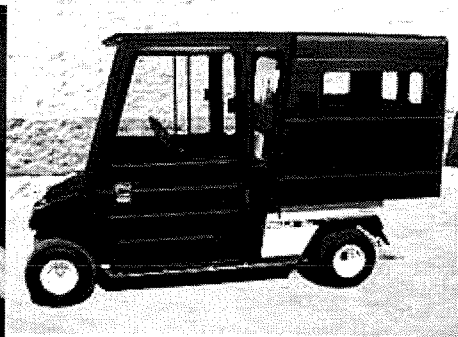
I have attached a number of photographs of vehicles I believe are encompassed by the draft. Note that some do not appear to possess headlights, brake lamps or, less importantly, turn signals.

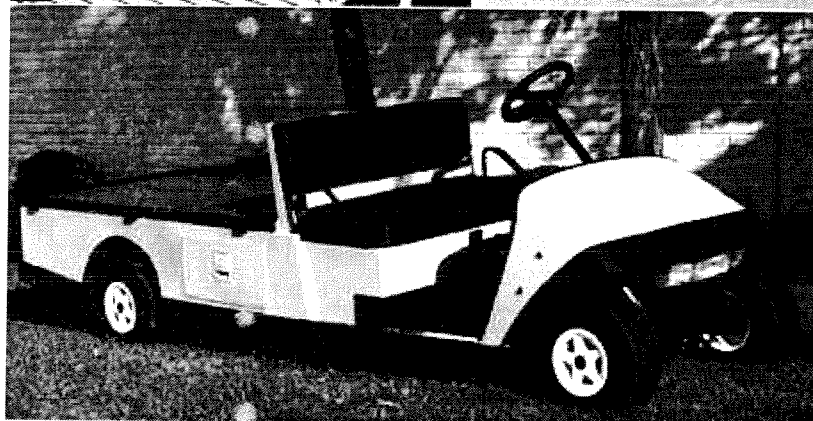
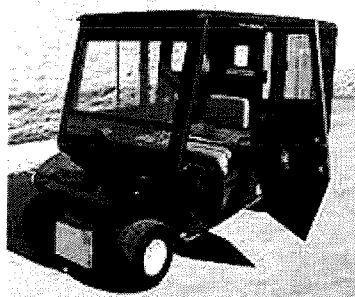
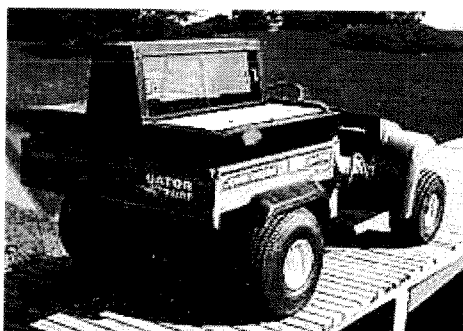
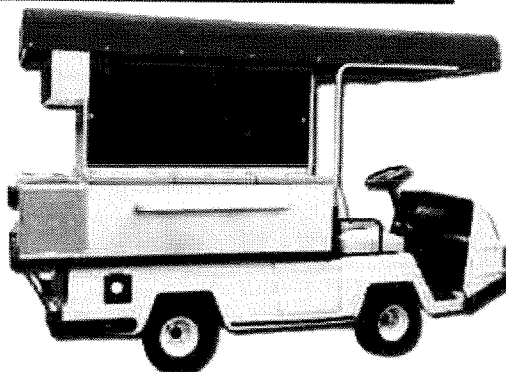
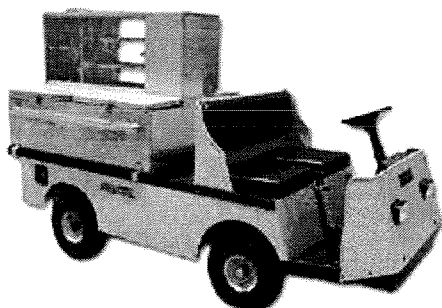
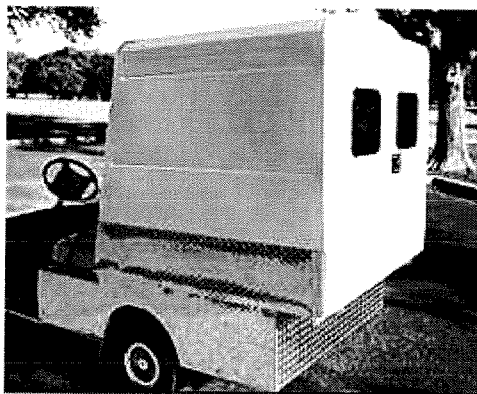
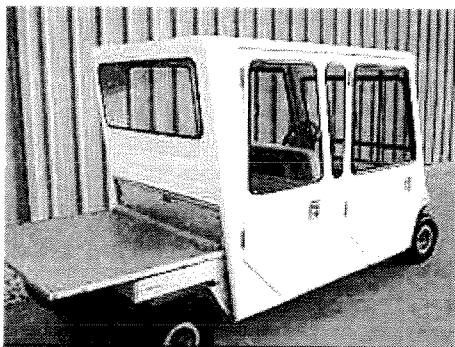


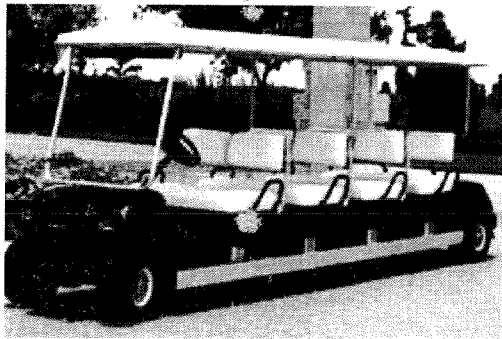
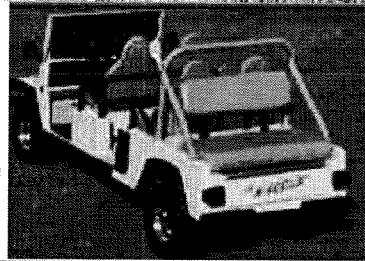
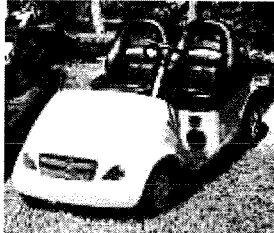
True. Up to requester. I leave it out for now.



V110
4-Passenger Forward Vehicle







Hurley, Peggy

From: Boardman, Kristina
Sent: Thursday, April 14, 2005 12:22 PM
To: Hurley, Peggy; Cardis, Philip
Subject: LUV Draft - AB 219

Peggy/Phil:

I have some received some feedback from DNR and DOT regarding the lightweight utility vehicle draft (AB219). I was hoping you could review this feedback - and let me know what you think.

I am a little surprised to see that DOT wants these vehicles defined in DOT Statutes. They have always been very much against this - and wanted the vehicles only affiliated with DNR. I am also a little surprised to see all of the feedback from DNR - knowing that AB 219 was drafted basically to accommodate all of their previous concerns. They wanted the bill streamlined - which it is - and now it sounds like they do not think it is complete enough.

DOT would like the vehicle defined in 340.01. If this was done - would LUVs be subject to all of the equipment requirements in 347.02 (unless specified otherwise)? Generally, what new equipment requirements would there be for LUVs if 347.02 applied? Are ATVs subject to these equipment requirements?

In regards to Paul's comments regarding 2003 Act 192 - we do not want LUVs to have operating privileges similar to these vehicles. These off-road utility vehicles may operate on any roadway having a speed limit of 35 miles per hour or less. We don't want this - we basically want them to be able to just cross the road! Additionally, we do not want the roadway crossing rights for LUVs restricted to roadways with a speed limit 35 mph or less.

Also, I don't think we need to incorporate golf carts into the LUV draft. Golf carts already have additional rights with regards to highway use under 349.18 - should an ordinance be adopted. Can golf carts be exempted from the definition?

Again - I really appreciate you taking the time to review this input. John really wants this bill to move this session - and I am hoping we can address some of these issues - and give the bill a public hearing.

Kristina

Kristina Boardman, Committee Clerk
Assembly Committee on Transportation
Representative Ainsworth's Office
608.266.3097 - phone
kristina.boardman@legis.state.wi.us

*equipment = parallel with
ATVs
define LUV in 340.01*

This is the e-mail received from Paul Nilsen at WisDOT:

Kristina,

Here are the Department's comments on AB219, lightweight utility vehicle draft. We are concerned that the definition may be overly broad and include vehicles that you do not intend. Also, since the definition includes things like golf carts, it could raise some confusion with existing laws regulating those other vehicles types (see 349.18(1), golf cart crossings, and s. 346.94(19), off-road utility vehicles.

Thanks for considering these comments. Please let me know if you have any questions about them.



AB219
comment.pdf

Paul E. Nilsen
Assistant General Counsel
Wisconsin Department of Transportation
Paul.Nilsen@dot.state.wi.us
(608) 261-0126

This is the e-mail received from Karl Brooks/Thomas Van Haren at DNR:

Hi Kristina....below are our concerns at this time....I hope this is helpful.

Karl R. Brooks

Deputy Chief Warden
Bureau of Law Enforcement
P.O. Box 7921
Madison, WI 53707

608-266-7820 Desk
608-266-3696 Fax

From: Van Haren, Thomas
Sent: Friday, April 01, 2005 4:10 PM
To: Brooks, Karl R.
Cc: Engfer, William G.
Subject: FW: lightweight utility vehicles

Karl, I finally had a little time to look over the LUV bill. The following are the concerns I see with this bill.

TVH

CONCERNS/Comments:

1. There will be vehicles that meets the definition of both an ATV and an LUV. This will create confusion over whether or not a vehicle which meets definition of both, needs to be registered as an ATV or NOT!

For example, a vehicle that meets the following discription would be both and ATV & an LUV: an engine-driven device which has a net weight of 700-900 pounds, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator, is equipped with a cargo area, and which is designed to travel on 4 or more low-pressure tires. A low-pressure tire which has a minimum width of 6 inches, which is mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.

CURRENT LAW Defining ATV's is found in s. 340.01(2g), Wis. Stats. (not ch. 23) and reads:
(2g) "All-terrain vehicle" means an engine-driven device which has a net weight of 900 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator and which is

designed to travel on 3 or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of 6 inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.

THIS BILL would create a definition for LUV's in s. 23.33(1) which would read:

SECTION 1. 23.33 (1) (ij) of the statutes is created to read:

23.33 (1) (ij) **"Lightweight utility vehicle"** means an engine-driven device having a gross weight of **more than 700 pounds** but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used principally off a highway. For the purposes of this paragraph, a "low pressure-tire" is a tire that is designed to be mounted on a rim with a maximum diameter of 13 inches and to be inflated with an operating pressure not to exceed 8 pounds per square inch as recommended by the manufacturer.

2. Confusion over which routes can be used by which machines. It appears that this language will allow ATV's and LUV's to both be able to operate on either an ATV or an LUV route on or adjacent to a roadway. Is this the intent of this bill?

SECTION 2. 23.33 (4) (a), (b), (c) 1. and 1m., (d) (intro.) and 1. to 7. and (e) (intro.) of the statutes are amended to read:

(d) *Operation on roadway.* (intro.) A person may operate an all-terrain vehicle or, if the person is at least 12 years of age, a lightweight utility vehicle on the roadway portion of any highway only in the following situations:

4. On roadways which that are designated as all-terrain vehicle or lightweight utility vehicles routes. Operation of all-terrain vehicles or lightweight utility vehicles on a roadway which is an all-terrain vehicle or a lightweight utility vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

3. Who will establish and maintain LUV routes, signs, etc?

4. The following section says that an LUV may operate on an ATV ROUTE (it does not restrict them to LUV routes, AND does not provide the same operating requirements or restrictions to LUV's as there are for ATV's when operating on an ATV ROUTE!!)

23.33(4)(e)

(e) *Operation adjacent to roadway.* (intro.) A person may operate an all-terrain vehicle adjacent to a roadway on an all-terrain vehicle ~~route or trail~~ or operate an all-terrain vehicle or a lightweight utility vehicle adjacent to a roadway on an all-terrain vehicle route if the person operates the all-terrain vehicle in the following manner:

5. There will continue to be no authority for farmers to use LUV's on or adjacent to roadways in the same manner they can CURRENTLY use an ATV!

23.33 (4) (d) 5. On roadways if the vehicle is an all-terrain vehicle and is an implement of husbandry, if the all-terrain vehicle is used exclusively for agricultural purposes and if the all-terrain vehicle is registered for private use under sub. (2) (d) or (2g).

Operation of an all-terrain vehicle which is an implement of husbandry on a roadway is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

6. No Funding for the Department to keep records of violations of LUV violations.

This bill makes the DNR responsible for maintaining records of arrests and creates new work duties for wardens to enforce laws on LUV's. There is no registration requirements for LUV's = Therefore no funding to administer the record keeping system or provide enforcement of violation on the roadway, including OWI.

SECTION 7. 23.33 (4t) of the statutes is amended to read:

23.33 (4t) REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests a person for a violation of the intoxicated operation of an all-terrain vehicle or a lightweight utility vehicle law or the refusal law, the law enforcement officer shall **notify the department** of the arrest as soon as practicable.

23.33(2) CURRENT LAW

(2) Registration.

(a) Requirement. No person may operate and no owner may give permission for the operation of an all-terrain vehicle within this state unless the all-terrain vehicle is registered for public use or for private use under this subsection or sub. (2g), is exempt from registration, or is operated with a reflectorized plate attached in the manner specified under par. (dm) 3. No person may operate and no owner may give permission for the operation of an all-terrain vehicle on an all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain vehicle is registered for public use under this subsection or sub. (2g).

(b) Exemptions. An all-terrain vehicle is exempt from registration if it is:

1. Owned by the United States, another state or a political subdivision thereof, but the exterior of the all-terrain vehicle shall display in a visible manner the name of the owner.

7. Who will the public expect to enforce other illegal operation on the roadways/highways, not covered under ch. 23. Like Trespass, this will fall to Sheriff or local police agencies, but wardens will also be called as DNR will be the primary agency for regulations involving LUV's, similar to ATV's. DNR does not have authority to enforce ch. 346 violations related to highway use.

SECTION 11. 346.02 (11m) of the statutes is created to read:

346.02 (11m) APPLICABILITY TO LIGHTWEIGHT UTILITY VEHICLES. The operator of a lightweight utility vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1), and 346.94 (1) and (9) but is not subject to any other provision of this chapter.

8. If this bill were to pass, there would need to be a reference to "lightweight utility vehicle" added to definition of Motor Vehicle found in s. 29.001(57). See Below:

29.001(57)

(57) "Motor vehicle" means a self-propelled vehicle, including a combination of 2 or more vehicles or an articulated vehicle. "Motor vehicle" includes a snowmobile, lightweight utility vehicle or an all-terrain vehicle. "Motor vehicle" does not include an aircraft, a vehicle operated exclusively on rails, or an electric personal assistive mobility device.

167.31(1)(h)

(h) "**Vehicle**" has the meaning given in s. 340.01 (74), and includes a snowmobile, as defined in s. 340.01 (58a), and an electric personal assistive mobility device, as defined in s. 340.01 (15pm), except that for purposes of subs. (4) (c) and (cg) and (4m) "vehicle" has the meaning given for "motor vehicle" in s. **29.001 (57)**.

SECTION 9. 340.01 (35) of the statutes is amended to read:

340.01 (35) "Motor vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. "Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained

from overhead trolley wires but not operated on rails. A snowmobile, a lightweight utility vehicle, and an all-terrain vehicle shall only be considered motor vehicles for purposes made specifically applicable by statute.

SECTION 10. 345.11 (1r) of the statutes is amended to read:

345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall be used for violations of s. 23.33 relating to highway use or ordinances in conformity with that section if the violation is committed on a highway, but no points may be assessed against the driving record of the operator of an all-terrain vehicle or a lightweight utility vehicle. When the uniform traffic citation is used, the report of conviction shall be forwarded to the department. When the citation form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

P Thomas H. Van Haren

Conservation Warden / NR Policy Officer

Bureau of Law Enforcement

Wisconsin Department of Natural Resources

(i) phone: (608) 266-3244

This is my initial response to DNR:

Karl: Thanks for forwarding the comments. I appreciate the input provided. I will try to address some the comments provided - and hope that we can work this out. 1) You are correct - there would be some vehicles that could be classified as either a LUV or an ATV. I would assume that if the owner wanted to operate the vehicle as an ATV, and have all of those rights, they would register it accordingly. However, to avoid confusion - would the Department prefer that we increase the weight of the vehicle to 901 - 1999 pounds? Or - instead should we amend the definition so that LUVs have bench or bucket-type seating - therefore the ATVs with straddle seating would be excluded? 2) Yes - LUVs and ATVs would be able to operate on ATV ROUTES (not trails). This is the intent of the bill. This issue has been discussed with DNR in years past - and no concerns were raised relative to route use. 3) LUVs could use ATV routes. There would not be separate signage or maintenance requirements for LUVs. 4) Are there specific operating requirements that should be carried over to the draft? The bill already applies many of the same rules of the road to LUV operators that are applicable to the operators of other motor vehicles, including obedience to traffic signs and signals, rules regarding making turns, parking, and approaching other vehicles, and the prohibition against operating a vehicle while intoxicated or with a prohibited alcohol or other drug concentration. 5) Yes - this is understood. 6) Yes - this is understood. While we do not expect this to be an issue - funding could be revisited if law enforcement finds they are spending a lot of time on these new work duties. 7) We would expect the Sheriff or local police agencies to enforce illegal operation of LUVs on roadways/highways. 8) We can make the appropriate references to motor vehicles. Karl, as you know, this bill was drafted in this streamlined fashion, based on input previously provided by the Department. LUVs have very limited use under this draft - and we do not anticipate this causing a problem for either DOT or DNR. Again - I appreciate your patience and continued efforts with this. Kristina

2005 ASSEMBLY BILL 219

March 16, 2005 – Introduced by Representatives AINSWORTH, GARD, HAHN, HINES, OTT, OWENS, PETROWSKI and MOLEPSKE, cosponsored by Senator OLSEN. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 23.33 (4) (a), (b), (c) 1. and 1m., (d) (intro.) and 1. to 7. and (e)
2 (intro.) , 23.33 (4c) (a) 1., 2., 2m. and 3. and (b) 1., 2. and 2m., 23.33 (4g) (a), 23.33
3 (4g) (b), 23.33 (4j), (4L) and (4p) (a) 1. and 3., (b) 4., (c) 1. and 2., (d) and (e) 1.
4 and 2., 23.33 (4t), 23.33 (4x) (title), 340.01 (35) and 345.11 (1r); and **to create**
5 23.33 (1) (ij) and 346.02 (11m) of the statutes; **relating to:** lightweight utility
6 vehicles, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates a new classification of vehicles called “lightweight utility vehicle.” A lightweight utility vehicle is an engine-driven device that has a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used principally off a highway. The bill applies many of the same rules of the road to operators of lightweight utility vehicles that are applicable to the operators of other motor vehicles, including obedience to traffic signs and signals, rules regarding making turns, parking, and approaching other vehicles, and the prohibition against operating a vehicle while intoxicated or with a prohibited alcohol or other drug concentration.

The bill places restrictions on the operation of a lightweight utility vehicle that are similar to the restrictions placed on operating an all-terrain vehicle. Under the bill, no person may operate a lightweight utility vehicle on any part of a freeway,

ASSEMBLY BILL 219

unless the freeway is not part of the federal system of interstate highways, and the Department of Transportation (DOT) specifically authorizes the use of a lightweight utility vehicle on that freeway.

Further, no one may operate a lightweight utility vehicle on any highway, unless authorized by DOT, except under the following circumstances:

1. The lightweight utility vehicle is owned by a municipality, state agency, or public utility and the operator is performing emergency or official functions in a manner that does not jeopardize safety.

2. The operator is performing a land surveying operation in a manner that does not jeopardize safety.

3. The operator is at least 12 years old, and he or she is crossing a roadway, bridge, culvert, or railway.

4. The operator is at least 12 years old, and he or she is operating the lightweight utility vehicle on a roadway that is seasonally not maintained for motor vehicle traffic, or he or she is operating on a roadway that is designated as a route for all-terrain vehicles or lightweight utility vehicles.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.33 (1) (ij) of the statutes is created to read:

2 23.33 (1) (ij) “Lightweight utility vehicle” means an engine-driven device
3 having a gross weight of more than 700 pounds but not more than 1,999 pounds that
4 is designed to travel on four or more low-pressure tires, is equipped with a cargo
5 area, and is used principally off a highway. For the purposes of this paragraph, a “low
6 pressure-tire” is a tire that is designed to be mounted on a rim with a maximum
7 diameter of 13 inches and to be inflated with an operating pressure not to exceed 8
8 pounds per square inch as recommended by the manufacturer.

9 **SECTION 2.** 23.33 (4) (a), (b), (c) 1. and 1m., (d) (intro.) and 1. to 7. and (e) (intro.)
10 of the statutes are amended to read:

ASSEMBLY BILL 219

1 23.33 (4) (a) *Freeways.* No person may operate an all-terrain vehicle or a
2 lightweight utility vehicle upon any part of any freeway ~~which~~ that is a part of the
3 federal system of interstate and defense highways. No person may operate an
4 all-terrain vehicle or a lightweight utility vehicle upon any part of any other freeway
5 unless the department of transportation authorizes all-terrain vehicle or
6 lightweight utility vehicle use on that freeway.

7 (b) *Other highways; operation restricted.* No person may operate an all-terrain
8 vehicle or a lightweight utility vehicle on a highway except as authorized under pars.
9 (d) and (e) or as authorized by rules promulgated by the department and approved
10 by the department of transportation.

11 (c) 1. Paragraphs (a) and (b) do not apply to the operator of an all-terrain
12 vehicle or a lightweight utility vehicle owned by a municipality, state agency or
13 public utility while the operator is engaged in an emergency or in the operation of
14 an all-terrain vehicle or a lightweight utility vehicle directly related to the functions
15 of the municipality, state agency or public utility if safety does not require strict
16 adherence to these restrictions.

17 1m. Paragraphs (a) and (b) do not apply to the operator of an all-terrain vehicle
18 or a lightweight utility vehicle who is engaged in land surveying operations, if safety
19 does not require strict adherence to the restrictions under pars. (a) and (b).

20 (d) *Operation on roadway.* (intro.) A person may operate an all-terrain vehicle
21 or, if the person is at least 12 years of age, a lightweight utility vehicle on the roadway
22 portion of any highway only in the following situations:

23 1. To cross a roadway. The crossing of a roadway is authorized only if the
24 crossing is done in the most direct manner practicable, if the crossing is made at a
25 place where no obstruction prevents a quick and safe crossing, and if the operator

ASSEMBLY BILL 219**SECTION 2**

1 stops the all-terrain vehicle or the lightweight utility vehicle prior to the crossing
2 and yields the right-of-way to other vehicles, pedestrians, and electric personal
3 assistive mobility devices using the roadway.

4 2. On any roadway ~~which~~ that is seasonally not maintained for motor vehicle
5 traffic. Operation of an all-terrain vehicle or a lightweight utility vehicle on this type
6 of roadway is authorized only during the seasons when no maintenance occurs and
7 only if the roadway is not officially closed to all-terrain vehicle or lightweight utility
8 vehicle traffic.

9 3. To cross a bridge, culvert, or railroad right-of-way. The crossing of a bridge,
10 culvert, or railroad right-of-way is not authorized if the roadway is officially closed
11 to all-terrain vehicle or lightweight utility vehicle traffic. The crossing is authorized
12 only if the crossing is done in the most direct manner practicable, if the crossing is
13 made at a place where no obstruction prevents a quick and safe crossing, and if the
14 operator stops the all-terrain vehicle or the lightweight utility vehicle prior to the
15 crossing, pedestrians, and electric personal assistive mobility devices using the
16 roadway.

17 4. On roadways ~~which~~ that are designated as all-terrain vehicle or lightweight
18 utility vehicle routes. Operation of all-terrain vehicles or lightweight utility vehicles
19 on a roadway which is an all-terrain vehicle or a lightweight utility vehicle route is
20 authorized only for the extreme right side of the roadway except that left turns may
21 be made from any part of the roadway which is safe given prevailing conditions.

22 5. On roadways if the vehicle is an all-terrain vehicle and is an implement of
23 husbandry, if the all-terrain vehicle is used exclusively for agricultural purposes and
24 if the all-terrain vehicle is registered for private use under sub. (2) (d) or (2g).
25 Operation of an all-terrain vehicle which is an implement of husbandry on a

ASSEMBLY BILL 219

1 roadway is authorized only for the extreme right side of the roadway except that left
2 turns may be made from any part of the roadway which is safe given prevailing
3 conditions.

4 6. On roadways if the vehicle is an all-terrain vehicle and if the operator of the
5 ~~all-terrain vehicle~~ is a person who holds a Class A permit or a Class B permit under
6 s. 29.193 (2) and who is traveling for the purposes of hunting or is otherwise engaging
7 in an activity authorized by the permit.

8 7. ~~On~~ If the vehicle is an all-terrain vehicle, on roadways of highways that are
9 all-terrain vehicle trails.

10 (e) *Operation adjacent to roadway.* (intro.) A person may operate an all-terrain
11 vehicle adjacent to a roadway on an all-terrain vehicle ~~route or trail~~ or operate an
12 all-terrain vehicle or a lightweight utility vehicle adjacent to a roadway on an
13 all-terrain vehicle route if the person operates the all-terrain vehicle in the
14 following manner:

15 **SECTION 3.** 23.33 (4c) (a) 1., 2., 2m. and 3. and (b) 1., 2. and 2m. of the statutes
16 are amended to read:

17 **23.33 (4c) INTOXICATED OPERATION OF AN ALL-TERRAIN VEHICLE OR A LIGHTWEIGHT**
18 **UTILITY VEHICLE.** (a) *Operation.* 1. ‘Operating while under the influence of an
19 intoxicant.’ No person may operate an all-terrain vehicle or a lightweight utility
20 vehicle while under the influence of an intoxicant to a degree which renders him or
21 her incapable of safe operation of an all-terrain vehicle.

22 2. ‘Operating with alcohol concentrations at or above specified levels.’ No
23 person may engage in the operation of an all-terrain vehicle or a lightweight utility
24 vehicle while the person has an alcohol concentration of 0.08 or more.

ASSEMBLY BILL 219

SECTION 3

1 2m. ‘Operating with a restricted controlled substance.’ No person may engage
2 in the operation of an all-terrain vehicle or a lightweight utility vehicle while the
3 person has a detectable amount of a restricted controlled substance in his or her
4 blood.

5 3. ‘Operating with alcohol concentrations at specified levels; below age 19.’ If
6 a person has not attained the age of 19, the person may not engage in the operation
7 of an all-terrain vehicle or a lightweight utility vehicle while he or she has an alcohol
8 concentration of more than 0.0 but not more than 0.08.

9 (b) *Causing injury.* 1. ‘Causing injury while under the influence of an
10 intoxicant.’ No person while under the influence of an intoxicant to a degree which
11 renders him or her incapable of safe operation of an all-terrain vehicle or a
12 lightweight utility vehicle may cause injury to another person by the operation of an
13 all-terrain vehicle or a lightweight utility vehicle.

14 2. ‘Causing injury with alcohol concentrations at or above specified levels.’ No
15 person who has an alcohol concentration of 0.08 or more may cause injury to another
16 person by the operation of an all-terrain vehicle or a lightweight utility vehicle.

17 2m. ‘Causing injury while operating with a restricted controlled substance.’ No
18 person who has a detectable amount of a restricted controlled substance in his or her
19 blood may cause injury to another person by the operation of an all-terrain vehicle
20 or a lightweight utility vehicle.

21 **SECTION 4.** 23.33 (4g) (a) of the statutes is amended to read:

22 23.33 (4g) (a) *Requirement.* A person shall provide a sample of his or her breath
23 for a preliminary breath screening test if a law enforcement officer has probable
24 cause to believe that the person is violating or has violated the intoxicated operation

ASSEMBLY BILL 219

1 of an all-terrain vehicle or a lightweight utility vehicle law and if, prior to an arrest,
2 the law enforcement officer requested the person to provide this sample.

3 **SECTION 5.** 23.33 (4g) (b) of the statutes is amended to read:

4 23.33 (4g) (b) *Use of test results.* A law enforcement officer may use the results
5 of a preliminary breath screening test for the purpose of deciding whether or not to
6 arrest a person for a violation of the intoxicated operation of an all-terrain vehicle
7 or a lightweight utility vehicle law or for the purpose of deciding whether or not to
8 request a chemical test under sub. (4p). Following the preliminary breath screening
9 test, chemical tests may be required of the person under sub. (4p).

10 **SECTION 6.** 23.33 (4j), (4L) and (4p) (a) 1. and 3., (b) 4., (c) 1. and 2., (d) and (e)

11 1. and 2. of the statutes are amended to read:

12 23.33 (4j) **APPLICABILITY OF THE INTOXICATED OPERATION OF AN ALL-TERRAIN**
13 **VEHICLE OR A LIGHTWEIGHT UTILITY VEHICLE LAW.** In addition to being applicable upon
14 highways, the intoxicated operation of an all-terrain vehicle or a lightweight utility
15 vehicle law is applicable upon all premises held out to the public for use of their
16 all-terrain or lightweight utility vehicles, whether such premises are publicly or
17 privately owned and whether or not a fee is charged for the use thereof.

18 (4L) **IMPLIED CONSENT.** Any person who engages in the operation of an
19 all-terrain vehicle or a lightweight utility vehicle upon the public highways of this
20 state, or in those areas enumerated in sub. (4j), is deemed to have given consent to
21 provide one or more samples of his or her breath, blood or urine for the purpose of
22 authorized analysis as required under sub. (4p). Any person who engages in the
23 operation of an all-terrain vehicle or a lightweight utility vehicle within this state
24 is deemed to have given consent to submit to one or more chemical tests of his or her

ASSEMBLY BILL 219

SECTION 6

1 breath, blood or urine for the purpose of authorized analysis as required under sub.
2 (4p).

3 (4p) (a) 1. ‘Samples; submission to tests.’ A person shall provide one or more
4 samples of his or her breath, blood or urine for the purpose of authorized analysis if
5 he or she is arrested for a violation of the intoxicated operation of an all-terrain
6 vehicle or a lightweight utility vehicle law and if he or she is requested to provide the
7 sample by a law enforcement officer. A person shall submit to one or more chemical
8 tests of his or her breath, blood or urine for the purpose of authorized analysis if he
9 or she is arrested for a violation of the intoxicated operation of an all-terrain vehicle
10 or a lightweight utility vehicle law and if he or she is requested to submit to the test
11 by a law enforcement officer.

12 3. ‘Unconscious person.’ A person who is unconscious or otherwise not capable
13 of withdrawing consent is presumed not to have withdrawn consent under this
14 paragraph, and if a law enforcement officer has probable cause to believe that the
15 person violated the intoxicated operation of an all-terrain vehicle or a lightweight
16 utility vehicle law, one or more chemical tests may be administered to the person
17 without a request under subd. 1. and without providing information under subd. 2.

18 (b) 4. ‘Validity; procedure.’ A chemical test of blood or urine conducted for the
19 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties
20 and responsibilities of the laboratory of hygiene, department of health and family
21 services and department of transportation under s. 343.305 (6) apply to a chemical
22 test of blood or urine conducted for the purpose of authorized analysis under this
23 subsection. Blood may be withdrawn from a person arrested for a violation of the
24 intoxicated operation of an all-terrain vehicle or a lightweight utility vehicle law
25 only by a physician, registered nurse, medical technologist, physician assistant or

ASSEMBLY BILL 219

1 person acting under the direction of a physician and the person who withdraws the
2 blood, the employer of that person and any hospital where blood is withdrawn have
3 immunity from civil or criminal liability as provided under s. 895.53

4 (c) 1. 'Additional chemical test.' If a person is arrested for a violation of the
5 intoxicated operation of an all-terrain vehicle or a lightweight utility vehicle law or
6 is the operator of an all-terrain vehicle involved in an accident resulting in great
7 bodily harm to or the death of someone and if the person is requested to provide a
8 sample or to submit to a test under par. (a) 1., the person may request the test facility
9 to administer the additional chemical test specified under par. (b) 3. or, at his or her
10 own expense, reasonable opportunity to have any qualified person administer a
11 chemical test of his or her breath, blood or urine for the purpose of authorized
12 analysis.

13 2. 'Optional test.' If a person is arrested for a violation of the intoxicated
14 operation of an all-terrain vehicle or a lightweight utility vehicle law and if the
15 person is not requested to provide a sample or to submit to a test under par. (a) 1.,
16 the person may request the test facility to administer a chemical test of his or her
17 breath or, at his or her own expense, reasonable opportunity to have any qualified
18 person administer a chemical test of his or her breath, blood or urine for the purpose
19 of authorized analysis. If a test facility is unable to perform a chemical test of breath,
20 the person may request the test facility to administer the designated chemical test
21 under par. (b) 2. or the additional chemical test under par. (b) 3.

22 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical
23 test required or administered under par. (a), (b) or (c) are admissible in any civil or
24 criminal action or proceeding arising out of the acts committed by a person alleged
25 to have violated the intoxicated operation of an all-terrain vehicle or a lightweight

ASSEMBLY BILL 219**SECTION 6**

1 utility vehicle law on the issue of whether the person was under the influence of an
2 intoxicant or the issue of whether the person had alcohol concentrations at or above
3 specified levels or a detectable amount of a restricted controlled substance in his or
4 her blood. Results of these chemical tests shall be given the effect required under s.
5 885.235. This subsection does not limit the right of a law enforcement officer to
6 obtain evidence by any other lawful means.

7 (e) 1. Whether the law enforcement officer had probable cause to believe the
8 person was violating or had violated the intoxicated operation of an all-terrain
9 vehicle or a lightweight utility vehicle law.

10 2. Whether the person was lawfully placed under arrest for violating the
11 intoxicated operation of an all-terrain vehicle or a lightweight utility vehicle law.

12 **SECTION 7.** 23.33 (4t) of the statutes is amended to read:

13 23.33 (4t) REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests
14 a person for a violation of the intoxicated operation of an all-terrain vehicle or a
15 lightweight utility vehicle law or the refusal law, the law enforcement officer shall
16 notify the department of the arrest as soon as practicable.

17 **SECTION 8.** 23.33 (4x) (title) of the statutes is amended to read:

18 23.33 (4x) (title) OFFICER'S ACTION AFTER ARREST FOR OPERATING AN ALL-TERRAIN
19 VEHICLE OR A LIGHTWEIGHT UTILITY VEHICLE WHILE UNDER INFLUENCE OF INTOXICANT.

20 **SECTION 9.** 340.01 (35) of the statutes is amended to read:

21 340.01 (35) "Motor vehicle" means a vehicle, including a combination of 2 or
22 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
23 operated exclusively on a rail. "Motor vehicle" includes, without limitation, a
24 commercial motor vehicle or a vehicle which is propelled by electric power obtained
25 from overhead trolley wires but not operated on rails. A snowmobile, a lightweight

ASSEMBLY BILL 219

1 utility vehicle, and an all-terrain vehicle shall only be considered motor vehicles for
2 purposes made specifically applicable by statute.

3 **SECTION 10.** 345.11 (1r) of the statutes is amended to read:

4 345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall
5 be used for violations of s. 23.33 relating to highway use or ordinances in conformity
6 with that section if the violation is committed on a highway, but no points may be
7 assessed against the driving record of the operator of an all-terrain vehicle or a
8 lightweight utility vehicle. When the uniform traffic citation is used, the report of
9 conviction shall be forwarded to the department. When the citation form under s.
10 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

11 **SECTION 11.** 346.02 (11m) of the statutes is created to read:

12 346.02 (11m) APPLICABILITY TO LIGHTWEIGHT UTILITY VEHICLES. The operator of
13 a lightweight utility vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11,
14 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37,
15 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53,
16 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1), and 346.94 (1) and
17 (9) but is not subject to any other provision of this chapter.

18 (END)

95

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT ,
TO 2005 ASSEMBLY BILL 219**

bill held ✓
SA ✓

4-15-05
by
4-17-05
D-note

At the locations indicated, amend the bill as follows:

1. Page 10, line 19: after that line insert:

"SECTION 8j. 23.33 (6) of the statutes is amended to read:

23.33 (6) EQUIPMENT REQUIREMENTS. (a) A person who operates an all-terrain vehicle or a lightweight utility vehicle during hours of darkness or during daylight hours on any highway right-of-way is required to display ^{the} a lighted headlamp and tail lamp on the all-terrain vehicle. or lightweight utility vehicle

(b) The headlamp on an all-terrain vehicle or a lightweight utility vehicle is required to display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least 200 feet ahead of the all-terrain vehicle or the lightweight utility vehicle.

1 (c) The tail lamp on an all-terrain vehicle or a lightweight utility vehicle is
2 required to display a red light plainly visible during hours of darkness from a
3 distance of 500 feet to the rear. *e and*

4 (d) Every all-terrain vehicle or lightweight utility vehicle is required to be
5 equipped with at least one brake operated either by hand or by foot. *e and*

6 (e) Every all-terrain vehicle or lightweight utility vehicle is required to be
7 equipped with a functioning muffler to prevent excessive or unusual noise and with
8 a functioning spark arrester of a type approved by the U.S. forest service.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 311, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326.

9 **SECTION 8n.** 340.01 (25r) of the statutes is created to read:

10 340.01 (25r) "Lightweight utility vehicle" has the meaning given in s. 23.33 (1)
11 (ij).". ✓

12 **2.** Page 11, line 17: after that line insert: ✓

13 **"SECTION 11j.** 347.24 (1) (c) of the statutes is amended to read: ✓

14 347.24 (1) (c) An implement of husbandry which is an all-terrain vehicle or a
15 lightweight utility vehicle need only comply with the lamp requirements established
16 under s. 23.33 (6).

History: 1977 c. 418; 1983 a. 124; 1985 a. 29; 1993 a. 455; 2001 a. 104. ✓

17 **SECTION 11n.** 347.415 (1g) of the statutes is amended to read:

18 347.415 (1g) In this section, "odometer" means an instrument for measuring
19 and recording the actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain
20 vehicle, or lightweight utility vehicle has traveled while in operation, but does not
21 include any auxiliary instrument designed to be reset to zero to measure and record
22 the actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain vehicle, or
23 lightweight utility vehicle has traveled on trips.

History: 1975 c. 121, 199; 1977 c. 29 s. 1654 (7) (a); 1993 a. 159; 2003 a. 166.

1 **SECTION 11r.** 347.415 (1m) of the statutes is amended to read:

2 347.415 **(1m)** No person may, either personally or through an agent, remove,

3 replace, disconnect, reset, tamper with, alter, or fail to connect the odometer of any

4 motor vehicle, snowmobile, ~~or all-terrain vehicle, or lightweight utility vehicle~~ with

5 the intent to change or affect the number of miles indicated thereon.” ✓

History: 1975 c. 121, 199; 1977 c. 29 s. 1654 (7) (a); 1993 a. 159; 2003 a. 166.

6 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0480/P1dn

PJH
js

Kristina,

ch.
This draft amendment inserts a cross-reference definition of "lightweight utility vehicle" in s. 340.01 and creates equipment requirements for LUVs. The equipment requirements are in chapter 23 and are the same as for all-terrain vehicles. As we discussed, AB 219 and this draft attempt to parallel the treatment of LUVs with the treatment under current law of ATVs. Thus, LUVs are only specifically included in or exempted from equipment requirements in chapter 347 where ATVs are also included in or exempted under current law.

ch.
As we further discussed, this draft may undergo further changes, depending on feedback you receive from DOT and the DNR.

Pe
Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0480/P1dn
PJH:cjs:rs

April 15, 2005

Kristina,

This draft amendment inserts a cross-reference definition of "lightweight utility vehicle" in s. 340.01 and creates equipment requirements for LUVs. The equipment requirements are in ch. 23 and are the same as for all-terrain vehicles. As we discussed, AB 219 and this draft attempt to parallel the treatment of LUVs with the treatment under current law of ATVs. Thus, LUVs are only specifically included in or exempted from equipment requirements in ch. 347 where ATVs are also included in or exempted under current law.

As we further discussed, this draft may undergo further changes, depending on feedback you receive from DOT and DNR.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

Boardman, Kristina

From: Boardman, Kristina
Sent: Wednesday, May 18, 2005 4:31 PM
To: Hurley, Peggy
Subject: FW: Draft review: LRB 05a0480/P1 Topic: Lightweight utility vehicles
Attachments: LRBa0480_P1; LRBa0480_P1 Drafters_Note; LRBa0480P1.pdf

Peggy:

WisDOT has responded to us with some additional comments regarding AB 219 - and the preliminary amendment you drafted on our behalf. I have attached a copy of their letter. Rep. Ainsworth is willing to make the changes requested by WisDOT. A summary of these changes is included below. How do you suggest incorporating these changes? Should we so a "slash P2" of the amendment?

Thank you,
 Kristina

Amend

340.01 (4) (a) Type 1 is a motor vehicle designed and used primarily for carrying persons but which does not come within the definition of a motor bus, motorcycle, moped, ~~or~~ motor bicycle or low-speed vehicle.

Create

340.01 (19d) "Golf cart" means a vehicle whose speed attainable in one mile does not exceed 20 miles per hour on paved, level, surface, and is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.

Create

340.01 (25r) "Lightweight utility vehicle" means an engine-driven device having a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used primarily off a highway. For the purposes of this paragraph, a "low pressure tire" is a tire that is designed to be mounted on a rim with a maximum diameter of 13 inches and to be inflated with an operating pressure not to exceed 8 pounds per square inch as recommended by the manufacturer. The definition of lightweight utility vehicle does not include golf carts {340.01 (19d)}, low-speed vehicles {340.01 (27m)}, or off-road utility vehicles {340.01 (38m)}.

Create

340.01 (27m) "Low-speed vehicle" means a low-speed vehicle, as defined in 40 CFR 571.3, that satisfies the equipment standards under 40 CFR 571.500 and which was originally manufactured to meet the applicable equipment standards under 49 CFR 571.500. "Low-speed vehicle" does not include a golf cart.

Create

23.33 (1) (ii) "Lightweight Utility Vehicle" has the meaning specified under s. 340.01 (25r).

These changes will obviously affect:

05/18/2005

Cathy
 Emswiler
 ALB
 344

242

- 1) Section 8n of LRBa0480/P1.
- 2) Section 1 of AB 219

2005 ASSEMBLY BILL 219

March 16, 2005 – Introduced by Representatives AINSWORTH, GARD, HAHN, HINES, OTT, OWENS, PETROWSKI and MOLEPSKE, cosponsored by Senator OLSEN. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 23.33 (4) (a), (b), (c) 1. and 1m., (d) (intro.) and 1. to 7. and (e)
2 (intro.) , 23.33 (4c) (a) 1., 2., 2m. and 3. and (b) 1., 2. and 2m., 23.33 (4g) (a), 23.33
3 (4g) (b), 23.33 (4j), (4L) and (4p) (a) 1. and 3., (b) 4., (c) 1. and 2., (d) and (e) 1.
4 and 2., 23.33 (4t), 23.33 (4x) (title), 340.01 (35) and 345.11 (1r); and **to create**
5 23.33 (1) (ij) and 346.02 (11m) of the statutes; **relating to:** lightweight utility
6 vehicles, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates a new classification of vehicles called “lightweight utility vehicle.” A lightweight utility vehicle is an engine-driven device that has a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used principally off a highway. The bill applies many of the same rules of the road to operators of lightweight utility vehicles that are applicable to the operators of other motor vehicles, including obedience to traffic signs and signals, rules regarding making turns, parking, and approaching other vehicles, and the prohibition against operating a vehicle while intoxicated or with a prohibited alcohol or other drug concentration.

The bill places restrictions on the operation of a lightweight utility vehicle that are similar to the restrictions placed on operating an all-terrain vehicle. Under the bill, no person may operate a lightweight utility vehicle on any part of a freeway,

ASSEMBLY BILL 219

unless the freeway is not part of the federal system of interstate highways, and the Department of Transportation (DOT) specifically authorizes the use of a lightweight utility vehicle on that freeway.

Further, no one may operate a lightweight utility vehicle on any highway, unless authorized by DOT, except under the following circumstances:

1. The lightweight utility vehicle is owned by a municipality, state agency, or public utility and the operator is performing emergency or official functions in a manner that does not jeopardize safety.

2. The operator is performing a land surveying operation in a manner that does not jeopardize safety.

3. The operator is at least 12 years old, and he or she is crossing a roadway, bridge, culvert, or railway.

4. The operator is at least 12 years old, and he or she is operating the lightweight utility vehicle on a roadway that is seasonally not maintained for motor vehicle traffic, or he or she is operating on a roadway that is designated as a route for all-terrain vehicles or lightweight utility vehicles.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.33 (1) (ij) of the statutes is created to read:

23.33 (1) (ij) "Lightweight utility vehicle" means an engine-driven device having a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used principally off a highway. For the purposes of this paragraph, a "low pressure-tire" is a tire that is designed to be mounted on a rim with a maximum diameter of 13 inches and to be inflated with an operating pressure not to exceed 8 pounds per square inch as recommended by the manufacturer.

SECTION 2. 23.33 (4) (a), (b), (c) 1. and 1m., (d) (intro.) and 1. to 7. and (e) (intro.)

of the statutes are amended to read:

ASSEMBLY BILL 219

1 23.33 (4) (a) *Freeways.* No person may operate an all-terrain vehicle or a
2 lightweight utility vehicle upon any part of any freeway ~~which~~ that is a part of the
3 federal system of interstate and defense highways. No person may operate an
4 all-terrain vehicle or a lightweight utility vehicle upon any part of any other freeway
5 unless the department of transportation authorizes all-terrain vehicle or
6 lightweight utility vehicle use on that freeway.

7 (b) *Other highways; operation restricted.* No person may operate an all-terrain
8 vehicle or a lightweight utility vehicle on a highway except as authorized under pars.
9 (d) and (e) or as authorized by rules promulgated by the department and approved
10 by the department of transportation.

11 (c) 1. Paragraphs (a) and (b) do not apply to the operator of an all-terrain
12 vehicle or a lightweight utility vehicle owned by a municipality, state agency or
13 public utility while the operator is engaged in an emergency or in the operation of
14 an all-terrain vehicle or a lightweight utility vehicle directly related to the functions
15 of the municipality, state agency or public utility if safety does not require strict
16 adherence to these restrictions.

17 1m. Paragraphs (a) and (b) do not apply to the operator of an all-terrain vehicle
18 or a lightweight utility vehicle who is engaged in land surveying operations, if safety
19 does not require strict adherence to the restrictions under pars. (a) and (b).

20 (d) *Operation on roadway.* (intro.) A person may operate an all-terrain vehicle
21 or, if the person is at least 12 years of age, a lightweight utility vehicle on the roadway
22 portion of any highway only in the following situations:

23 1. To cross a roadway. The crossing of a roadway is authorized only if the
24 crossing is done in the most direct manner practicable, if the crossing is made at a
25 place where no obstruction prevents a quick and safe crossing, and if the operator

ASSEMBLY BILL 219**SECTION 2**

1 stops the all-terrain vehicle or the lightweight utility vehicle prior to the crossing
2 and yields the right-of-way to other vehicles, pedestrians, and electric personal
3 assistive mobility devices using the roadway.

4 2. On any roadway ~~which~~ that is seasonally not maintained for motor vehicle
5 traffic. Operation of an all-terrain vehicle or a lightweight utility vehicle on this type
6 of roadway is authorized only during the seasons when no maintenance occurs and
7 only if the roadway is not officially closed to all-terrain vehicle or lightweight utility
8 vehicle traffic.

9 3. To cross a bridge, culvert, or railroad right-of-way. The crossing of a bridge,
10 culvert, or railroad right-of-way is not authorized if the roadway is officially closed
11 to all-terrain vehicle or lightweight utility vehicle traffic. The crossing is authorized
12 only if the crossing is done in the most direct manner practicable, if the crossing is
13 made at a place where no obstruction prevents a quick and safe crossing, and if the
14 operator stops the all-terrain vehicle or the lightweight utility vehicle prior to the
15 crossing, pedestrians, and electric personal assistive mobility devices using the
16 roadway.

17 4. On roadways ~~which~~ that are designated as all-terrain vehicle or lightweight
18 utility vehicle routes. Operation of all-terrain vehicles or lightweight utility vehicles
19 on a roadway which is an all-terrain vehicle or a lightweight utility vehicle route is
20 authorized only for the extreme right side of the roadway except that left turns may
21 be made from any part of the roadway which is safe given prevailing conditions.

22 5. On roadways if the vehicle is an all-terrain vehicle and is an implement of
23 husbandry, if the all-terrain vehicle is used exclusively for agricultural purposes and
24 if the all-terrain vehicle is registered for private use under sub. (2) (d) or (2g).
25 Operation of an all-terrain vehicle which is an implement of husbandry on a

ASSEMBLY BILL 219

1 roadway is authorized only for the extreme right side of the roadway except that left
2 turns may be made from any part of the roadway which is safe given prevailing
3 conditions.

4 6. On roadways if the vehicle is an all-terrain vehicle and if the operator of the
5 ~~all-terrain vehicle~~ is a person who holds a Class A permit or a Class B permit under
6 s. 29.193 (2) and who is traveling for the purposes of hunting or is otherwise engaging
7 in an activity authorized by the permit.

8 7. On If the vehicle is an all-terrain vehicle, on roadways of highways that are
9 all-terrain vehicle trails.

10 (e) *Operation adjacent to roadway.* (intro.) A person may operate an all-terrain
11 vehicle adjacent to a roadway on an all-terrain vehicle ~~route or trail~~ or operate an
12 all-terrain vehicle or a lightweight utility vehicle adjacent to a roadway on an
13 all-terrain vehicle route if the person operates the all-terrain vehicle in the
14 following manner:

15 **SECTION 3.** 23.33 (4c) (a) 1., 2., 2m. and 3. and (b) 1., 2. and 2m. of the statutes
16 are amended to read:

17 **23.33 (4c) INTOXICATED OPERATION OF AN ALL-TERRAIN VEHICLE OR A LIGHTWEIGHT**
18 **UTILITY VEHICLE.** (a) *Operation.* 1. 'Operating while under the influence of an
19 intoxicant.' No person may operate an all-terrain vehicle or a lightweight utility
20 vehicle while under the influence of an intoxicant to a degree which renders him or
21 her incapable of safe operation of an all-terrain vehicle.

22 2. 'Operating with alcohol concentrations at or above specified levels.' No
23 person may engage in the operation of an all-terrain vehicle or a lightweight utility
24 vehicle while the person has an alcohol concentration of 0.08 or more.

ASSEMBLY BILL 219

SECTION 3

1 2m. ‘Operating with a restricted controlled substance.’ No person may engage
2 in the operation of an all-terrain vehicle or a lightweight utility vehicle while the
3 person has a detectable amount of a restricted controlled substance in his or her
4 blood.

5 3. ‘Operating with alcohol concentrations at specified levels; below age 19.’ If
6 a person has not attained the age of 19, the person may not engage in the operation
7 of an all-terrain vehicle or a lightweight utility vehicle while he or she has an alcohol
8 concentration of more than 0.0 but not more than 0.08.

9 (b) *Causing injury.* 1. ‘Causing injury while under the influence of an
10 intoxicant.’ No person while under the influence of an intoxicant to a degree which
11 renders him or her incapable of safe operation of an all-terrain vehicle or a
12 lightweight utility vehicle may cause injury to another person by the operation of an
13 all-terrain vehicle or a lightweight utility vehicle.

14 2. ‘Causing injury with alcohol concentrations at or above specified levels.’ No
15 person who has an alcohol concentration of 0.08 or more may cause injury to another
16 person by the operation of an all-terrain vehicle or a lightweight utility vehicle.

17 2m. ‘Causing injury while operating with a restricted controlled substance.’ No
18 person who has a detectable amount of a restricted controlled substance in his or her
19 blood may cause injury to another person by the operation of an all-terrain vehicle
20 or a lightweight utility vehicle.

21 **SECTION 4.** 23.33 (4g) (a) of the statutes is amended to read:

22 23.33 (4g) (a) *Requirement.* A person shall provide a sample of his or her breath
23 for a preliminary breath screening test if a law enforcement officer has probable
24 cause to believe that the person is violating or has violated the intoxicated operation

ASSEMBLY BILL 219

1 of an all-terrain vehicle or a lightweight utility vehicle law and if, prior to an arrest,
2 the law enforcement officer requested the person to provide this sample.

3 **SECTION 5.** 23.33 (4g) (b) of the statutes is amended to read:

4 23.33 (4g) (b) *Use of test results.* A law enforcement officer may use the results
5 of a preliminary breath screening test for the purpose of deciding whether or not to
6 arrest a person for a violation of the intoxicated operation of an all-terrain vehicle
7 or a lightweight utility vehicle law or for the purpose of deciding whether or not to
8 request a chemical test under sub. (4p). Following the preliminary breath screening
9 test, chemical tests may be required of the person under sub. (4p).

10 **SECTION 6.** 23.33 (4j), (4L) and (4p) (a) 1. and 3., (b) 4., (c) 1. and 2., (d) and (e)

11 1. and 2. of the statutes are amended to read:

12 23.33 (4j) **APPLICABILITY OF THE INTOXICATED OPERATION OF AN ALL-TERRAIN**
13 **VEHICLE OR A LIGHTWEIGHT UTILITY VEHICLE LAW.** In addition to being applicable upon
14 highways, the intoxicated operation of an all-terrain vehicle or a lightweight utility
15 vehicle law is applicable upon all premises held out to the public for use of their
16 all-terrain or lightweight utility vehicles, whether such premises are publicly or
17 privately owned and whether or not a fee is charged for the use thereof.

18 (4L) **IMPLIED CONSENT.** Any person who engages in the operation of an
19 all-terrain vehicle or a lightweight utility vehicle upon the public highways of this
20 state, or in those areas enumerated in sub. (4j), is deemed to have given consent to
21 provide one or more samples of his or her breath, blood or urine for the purpose of
22 authorized analysis as required under sub. (4p). Any person who engages in the
23 operation of an all-terrain vehicle or a lightweight utility vehicle within this state
24 is deemed to have given consent to submit to one or more chemical tests of his or her

ASSEMBLY BILL 219**SECTION 6**

1 breath, blood or urine for the purpose of authorized analysis as required under sub.
2 (4p).

3 **(4p)** (a) 1. ‘Samples; submission to tests.’ A person shall provide one or more
4 samples of his or her breath, blood or urine for the purpose of authorized analysis if
5 he or she is arrested for a violation of the intoxicated operation of an all-terrain
6 vehicle or a lightweight utility vehicle law and if he or she is requested to provide the
7 sample by a law enforcement officer. A person shall submit to one or more chemical
8 tests of his or her breath, blood or urine for the purpose of authorized analysis if he
9 or she is arrested for a violation of the intoxicated operation of an all-terrain vehicle
10 or a lightweight utility vehicle law and if he or she is requested to submit to the test
11 by a law enforcement officer.

12 3. ‘Unconscious person.’ A person who is unconscious or otherwise not capable
13 of withdrawing consent is presumed not to have withdrawn consent under this
14 paragraph, and if a law enforcement officer has probable cause to believe that the
15 person violated the intoxicated operation of an all-terrain vehicle or a lightweight
16 utility vehicle law, one or more chemical tests may be administered to the person
17 without a request under subd. 1. and without providing information under subd. 2.

18 (b) 4. ‘Validity; procedure.’ A chemical test of blood or urine conducted for the
19 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties
20 and responsibilities of the laboratory of hygiene, department of health and family
21 services and department of transportation under s. 343.305 (6) apply to a chemical
22 test of blood or urine conducted for the purpose of authorized analysis under this
23 subsection. Blood may be withdrawn from a person arrested for a violation of the
24 intoxicated operation of an all-terrain vehicle or a lightweight utility vehicle law
25 only by a physician, registered nurse, medical technologist, physician assistant or

ASSEMBLY BILL 219

1 person acting under the direction of a physician and the person who withdraws the
2 blood, the employer of that person and any hospital where blood is withdrawn have
3 immunity from civil or criminal liability as provided under s. 895.53

4 (c) 1. 'Additional chemical test.' If a person is arrested for a violation of the
5 intoxicated operation of an all-terrain vehicle or a lightweight utility vehicle law or
6 is the operator of an all-terrain vehicle involved in an accident resulting in great
7 bodily harm to or the death of someone and if the person is requested to provide a
8 sample or to submit to a test under par. (a) 1., the person may request the test facility
9 to administer the additional chemical test specified under par. (b) 3. or, at his or her
10 own expense, reasonable opportunity to have any qualified person administer a
11 chemical test of his or her breath, blood or urine for the purpose of authorized
12 analysis.

13 2. 'Optional test.' If a person is arrested for a violation of the intoxicated
14 operation of an all-terrain vehicle or a lightweight utility vehicle law and if the
15 person is not requested to provide a sample or to submit to a test under par. (a) 1.,
16 the person may request the test facility to administer a chemical test of his or her
17 breath or, at his or her own expense, reasonable opportunity to have any qualified
18 person administer a chemical test of his or her breath, blood or urine for the purpose
19 of authorized analysis. If a test facility is unable to perform a chemical test of breath,
20 the person may request the test facility to administer the designated chemical test
21 under par. (b) 2. or the additional chemical test under par. (b) 3.

22 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical
23 test required or administered under par. (a), (b) or (c) are admissible in any civil or
24 criminal action or proceeding arising out of the acts committed by a person alleged
25 to have violated the intoxicated operation of an all-terrain vehicle or a lightweight

ASSEMBLY BILL 219**SECTION 6**

1 utility vehicle law on the issue of whether the person was under the influence of an
2 intoxicant or the issue of whether the person had alcohol concentrations at or above
3 specified levels or a detectable amount of a restricted controlled substance in his or
4 her blood. Results of these chemical tests shall be given the effect required under s.
5 885.235. This subsection does not limit the right of a law enforcement officer to
6 obtain evidence by any other lawful means.

7 (e) 1. Whether the law enforcement officer had probable cause to believe the
8 person was violating or had violated the intoxicated operation of an all-terrain
9 vehicle or a lightweight utility vehicle law.

10 2. Whether the person was lawfully placed under arrest for violating the
11 intoxicated operation of an all-terrain vehicle or a lightweight utility vehicle law.

12 **SECTION 7.** 23.33 (4t) of the statutes is amended to read:

13 23.33 (4t) REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests
14 a person for a violation of the intoxicated operation of an all-terrain vehicle or a
15 lightweight utility vehicle law or the refusal law, the law enforcement officer shall
16 notify the department of the arrest as soon as practicable.

17 **SECTION 8.** 23.33 (4x) (title) of the statutes is amended to read:

18 23.33 (4x) (title) OFFICER'S ACTION AFTER ARREST FOR OPERATING AN ALL-TERRAIN
19 VEHICLE OR A LIGHTWEIGHT UTILITY VEHICLE WHILE UNDER INFLUENCE OF INTOXICANT.

20 **SECTION 9.** 340.01 (35) of the statutes is amended to read:

21 340.01 (35) "Motor vehicle" means a vehicle, including a combination of 2 or
22 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
23 operated exclusively on a rail. "Motor vehicle" includes, without limitation, a
24 commercial motor vehicle or a vehicle which is propelled by electric power obtained
25 from overhead trolley wires but not operated on rails. A snowmobile, a lightweight

ASSEMBLY BILL 219

1 utility vehicle, and an all-terrain vehicle shall only be considered motor vehicles for
2 purposes made specifically applicable by statute.

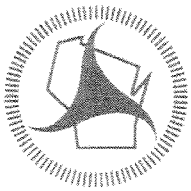
3 **SECTION 10.** 345.11 (1r) of the statutes is amended to read:

4 345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall
5 be used for violations of s. 23.33 relating to highway use or ordinances in conformity
6 with that section if the violation is committed on a highway, but no points may be
7 assessed against the driving record of the operator of an all-terrain vehicle or a
8 lightweight utility vehicle. When the uniform traffic citation is used, the report of
9 conviction shall be forwarded to the department. When the citation form under s.
10 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

11 **SECTION 11.** 346.02 (11m) of the statutes is created to read:

12 346.02 (11m) APPLICABILITY TO LIGHTWEIGHT UTILITY VEHICLES. The operator of
13 a lightweight utility vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11,
14 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37,
15 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53,
16 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1), and 346.94 (1) and
17 (9) but is not subject to any other provision of this chapter.

18 (END)



Wisconsin Department of Transportation

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Governor

Frank J. Busalacchi
Secretary

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May 16, 2005

The Honorable John Ainsworth
Wisconsin State Representative
Chairman, Committee on Transportation
State Capitol, Room 309 North
Madison, WI 53708-8952

Dear Representative Ainsworth:

Thank you for the opportunity to review and comment on 2005 AB 219, your lightweight utility vehicle bill. I appreciate your careful consideration of our comments and for drafting LRBa0480/P1 to address them, and for giving us the opportunity to review and comment on that draft amendment. Clearly, you have made every effort to satisfy the Department's concerns, consistent with your desire to make the incidental on-highway operation of lightweight utility vehicles lawful.

However, the Department remains of the fundamental opinion that lightweight utility vehicles are neither designed nor made for on-road use and so are not safe for on-road use, putting both their operators and other highway users at risk of harm. The Department does not support AB 219, which allows the on-highway operation of vehicles not designed or intended for on-road use and allows children as young as 12 years of age to operate them across and along certain highways.

The Department does support the changes proposed by LRBa0480/P1. To further clarify the bill's affect on other vehicle types, the Department asks that the amendment include the following additional modest changes:

1. Create the definition of "lightweight utility vehicle" (LUV) in ch. 340, and create a cross-reference to that definition in ch. 23. This is consistent with the definition of ATV, which is defined in ch. 23 only by cross-reference. Defining LUV in ch. 340 will facilitate excluding other vehicle types defined in ch. 340 from the definition of LUV.
2. Exclude "golf carts" from the definition of "lightweight utility vehicle". To do this, the Department recommends creating in ch. 340 the following definition of "golf cart", which is consistent with other states' definitions of golf cart:

340.01 (19d) "Golf cart" means a vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.

3. Exclude "low-speed vehicles" (commonly called neighborhood electric vehicles), from the definition of "lightweight utility vehicle". Low-speed vehicles are manufactured for on-road use and are not 'used principally off a highway' as you define 'lightweight utility

The Honorable John Ainsworth

May 16, 2005

Page 2 of 2

vehicles' under the bill. (One example of federal low-speed vehicle can be found at: <http://www.gemcar.com/>) The definition of "low-speed vehicle" must be consistent with the federal classification. Finally, s. 340.01(4)(a) should be amended to exclude 'low-speed vehicle' from being considered a type 1 automobile. The Department recommends using the following definition from 2001 AB 58:

340.01 (27m) "Low-speed vehicle" means a low-speed vehicle, as defined in 49 CFR 571.3, that satisfies the equipment standards under 49 CFR 571.500 and which was originally manufactured to meet the applicable equipment standards under 49 CFR 571.500. "Low-speed vehicle" does not include a golf cart.

4. Exclude "off-road utility vehicles" (defined in s. 346.94), from the definition of "lightweight utility vehicle". You correctly state in your memo that lightweight utility vehicles are used for purposes distinct from LUVs, therefore the definitions should not inadvertently overlap.

Sincerely,



Randall J. Romanski
Executive Assistant

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT ,
TO 2005 ASSEMBLY BILL 219**

7-5-05
51
7-8-05

Insert A ✓

At the locations indicated, amend the bill as follows:

1. Page 10, line 19: after that line insert:

"SECTION 8j. 23.33 (6) of the statutes is amended to read:

23.33 (6) EQUIPMENT REQUIREMENTS. (a) A person who operates an all-terrain vehicle or a lightweight utility vehicle during hours of darkness or during daylight hours on any highway right-of-way is required to display a lighted headlamp and tail lamp on the all-terrain vehicle or the lightweight utility vehicle.

(b) The headlamp on an all-terrain vehicle or a lightweight utility vehicle is required to display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least 200 feet ahead of the all-terrain vehicle or the lightweight utility vehicle.

1 (c) The tail lamp on an all-terrain vehicle or a lightweight utility vehicle is
2 required to display a red light plainly visible during hours of darkness from a
3 distance of 500 feet to the rear.

4 (d) Every all-terrain vehicle and lightweight utility vehicle is required to be
5 equipped with at least one brake operated either by hand or by foot.

6 (e) Every all-terrain vehicle and lightweight utility vehicle is required to be
7 equipped with a functioning muffler to prevent excessive or unusual noise and with
8 a functioning spark arrester of a type approved by the U.S. forest service.

9 **SECTION 8n.** 340.01 (25r) of the statutes is created to read:

10 340.01 (25r) "Lightweight utility vehicle" has the meaning given in s. 23.33 (1)

11 (ij).".

12 **2.** Page 11, line 17: after that line insert:

13 "SECTION 11j. 347.24 (1) (c) of the statutes is amended to read:

14 347.24 (1) (c) An implement of husbandry which is an all-terrain vehicle or a
15 lightweight utility vehicle need only comply with the lamp requirements established
16 under s. 23.33 (6).

17 **SECTION 11n.** 347.415 (1g) of the statutes is amended to read:

18 347.415 (1g) In this section, "odometer" means an instrument for measuring
19 and recording the actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain
20 vehicle, or lightweight utility vehicle has traveled while in operation, but does not
21 include any auxiliary instrument designed to be reset to zero to measure and record
22 the actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain vehicle, or
23 lightweight utility vehicle has traveled on trips.

24 **SECTION 11r.** 347.415 (1m) of the statutes is amended to read:

1 347.415 (1m) No person may, either personally or through an agent, remove,
2 replace, disconnect, reset, tamper with, alter, or fail to connect the odometer of any
3 motor vehicle, snowmobile, ~~or all-terrain vehicle,~~ or lightweight utility vehicle with
4 the intent to change or affect the number of miles indicated thereon.”.

(END)

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0480/Plins
PJH:cjs:rs

INSERT A:

- # 1. Page 2, line 1: delete lines 1 to 8 and substitute:

“SECTION 1m. 23.33 (1) (ij) of the statutes is created to read:

23.33 (1) (ij) “Lightweight utility vehicle” has the meaning specified under s. 340.01 (25r).”.

INSERT B:

SECTION 8L. 340.01 (4) (a) of the statutes is amended to read:

340.01 (4) (a) Type 1 is a motor vehicle designed and used primarily for carrying persons but which does not come within the definition of a motor bus, motorcycle, moped ^{close up} or, motor bicycle, or low-speed vehicle.

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321.

SECTION 8p. 340.01 (19d) of the statutes is created to read:

340.01 (19d) “Golf cart” means a vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.

SECTION 8t. 340.01 (25r) of the statutes is created to read:

340.01 (25r) “Lightweight utility vehicle” means an engine-driven device having a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used primarily off a highway. For the purposes of this paragraph, a “low pressure tire” is a tire that is designed to be mounted on a rim with a maximum

subsection

diameter of 13 inches and to be inflated with an operating pressure not to exceed 8 pounds per square inch as recommended by the manufacturer. The definition of lightweight utility vehicle does not include golf carts, low-speed vehicles, or off-road utility vehicles.

SECTION 8x. 340.01 (27m) of the statutes is created to read:

340.01 (**27m**) "Low-speed vehicle" means a low-speed vehicle, as defined in 40 CFR 571.3, that satisfies the equipment standards under 40 CFR 571.500 and that was originally manufactured to meet the applicable equipment standards under 49 CFR 571.500. "Low-speed vehicle" does not include a golf cart."

Hurley, Peggy

From: Boardman, Kristina
Sent: Monday, July 11, 2005 11:15 AM
To: Hurley, Peggy
Subject: FW: LRB 05a0480 Topic: Lightweight utility vehicles

Peggy:

WisDOT seems happy with the amendment draft. Paul Nilsen did notice a couple minor typos though. Page 3 of the amendment - lines 6 and 7 should be 49 CFR... (instead of 40 CFR).

I will send over the stripes - and hopefully you can just convert it to a "slash 2".

Thanks Peggy!

Kristina

From: Basford, Sarah
Sent: Tuesday, July 05, 2005 3:08 PM
To: Rep.Ainsworth
Subject: LRB 05a0480 Topic: Lightweight utility vehicles

The attached proposal has been jacketed for introduction.

A copy has also been sent to:



LRB a0480_1



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa0480/1

PJH:cjs:rs

stays

ASSEMBLY AMENDMENT ,
TO 2005 ASSEMBLY BILL 219

today
7-12-05

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: delete lines 1 to 8 and substitute:

3 “**SECTION 1m.** 23.33 (1) (ij) of the statutes is created to read:

4 23.33 (1) (ij) “Lightweight utility vehicle” has the meaning specified under s.
5 340.01 (25r).”.

6 **2.** Page 10, line 19: after that line insert:

7 “**SECTION 8j.** 23.33 (6) of the statutes is amended to read:

8 23.33 (6) EQUIPMENT REQUIREMENTS. (a) A person who operates an all-terrain
9 vehicle or a lightweight utility vehicle during hours of darkness or during daylight
10 hours on any highway right-of-way is required to display a lighted headlamp and
11 tail lamp on the all-terrain vehicle or the lightweight utility vehicle.

12 (b) The headlamp on an all-terrain vehicle or a lightweight utility vehicle is
13 required to display a white light of sufficient illuminating power to reveal any

1 person, vehicle or substantial object at a distance of at least 200 feet ahead of the
2 all-terrain vehicle or the lightweight utility vehicle.

3 (c) The tail lamp on an all-terrain vehicle or a lightweight utility vehicle is
4 required to display a red light plainly visible during hours of darkness from a
5 distance of 500 feet to the rear.

6 (d) Every all-terrain vehicle and lightweight utility vehicle is required to be
7 equipped with at least one brake operated either by hand or by foot.

8 (e) Every all-terrain vehicle and lightweight utility vehicle is required to be
9 equipped with a functioning muffler to prevent excessive or unusual noise and with
10 a functioning spark arrester of a type approved by the U.S. forest service.

11 **SECTION 8L.** 340.01 (4) (a) of the statutes is amended to read:

12 340.01 (4) (a) Type 1 is a motor vehicle designed and used primarily for carrying
13 persons but which does not come within the definition of a motor bus, motorcycle,
14 moped ~~or~~, motor bicycle, or low-speed vehicle.

15 **SECTION 8p.** 340.01 (19d) of the statutes is created to read:

16 340.01 (19d) “Golf cart” means a vehicle whose speed attainable in one mile
17 does not exceed 20 miles per hour on a paved, level surface, and is designed and
18 intended to convey one or more persons and equipment to play the game of golf in an
19 area designated as a golf course.

20 **SECTION 8t.** 340.01 (25r) of the statutes is created to read:

21 340.01 (25r) “Lightweight utility vehicle” means an engine-driven device
22 having a gross weight of more than 700 pounds but not more than 1,999 pounds that
23 is designed to travel on four or more low-pressure tires, is equipped with a cargo
24 area, and is used primarily off a highway. For the purposes of this subsection, a “low
25 pressure tire” is a tire that is designed to be mounted on a rim with a maximum

1 diameter of 13 inches and to be inflated with an operating pressure not to exceed 8
2 pounds per square inch as recommended by the manufacturer. The definition of
3 “lightweight utility vehicle” does not include golf carts, low-speed vehicles, or
4 off-road utility vehicles.

5 **SECTION 8x.** 340.01 (27m) of the statutes is created to read:

6 340.01 (27m) “Low-speed vehicle” means a low-speed vehicle, as defined in 40
7 CFR 571.3, that satisfies the equipment standards under 40 CFR 571.500 and that
8 was originally manufactured to meet the applicable equipment standards under 49
9 CFR 571.500. “Low-speed vehicle” does not include a golf cart.”

10 **3.** Page 11, line 17: after that line insert:

11 **“SECTION 11j.** 347.24 (1) (c) of the statutes is amended to read:

12 347.24 (1) (c) An implement of husbandry which is an all-terrain vehicle or a
13 lightweight utility vehicle need only comply with the lamp requirements established
14 under s. 23.33 (6).

15 **SECTION 11n.** 347.415 (1g) of the statutes is amended to read:

16 347.415 (1g) In this section, “odometer” means an instrument for measuring
17 and recording the actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain
18 vehicle, or lightweight utility vehicle has traveled while in operation, but does not
19 include any auxiliary instrument designed to be reset to zero to measure and record
20 the actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain vehicle, or
21 lightweight utility vehicle has traveled on trips.

22 **SECTION 11r.** 347.415 (1m) of the statutes is amended to read:

23 347.415 (1m) No person may, either personally or through an agent, remove,
24 replace, disconnect, reset, tamper with, alter, or fail to connect the odometer of any

3 (END)